

News Release

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Bay Delta Conservation Plan Has Major Flaws

Conservation Groups Call for Scientific Rigor, Partnership with Brown Administration to Improve It

(San Francisco–December 15, 2010) The long-awaited BDCP transition documents from federal and California state agencies to rescue species from the brink of extinction and improve water management in California's endangered San Francisco Bay-Delta was released today. Four leading conservation groups found the transition documents to be deeply flawed, incomplete, and disappointing.

"There is too much at stake in the future of California's water supply and the health of the largest estuary on the West Coast to ignore the major scientific and analytic gaps in this plan," said [Ann Hayden](#), a senior water resource analyst at Environmental Defense Fund and member of the BDCP Steering Committee. "We and many others from different perspectives have invested too many years at the table trying to make this plan work to settle for a draft that lacks fundamental environmental safeguards and so much more."

"This plan is not ready for primetime," said [Gary Bobker](#), Program Director at the Bay Institute. "Whether it's the quality of the analysis, or paying attention to the best available scientific information, or facing up to some hard policy choices about the future, the plan simply does not pass the laugh test."

Four years in the making, the draft calls for changes in Delta pumping and infrastructure that would increase the amount of water diverted from the already water-deprived Bay-Delta ecosystem. It contradicts the State's own finding – expressed in the State Water Resources Control Board [flow determinations](#) in August 2010 – that there is overwhelming scientific evidence that the health of the Bay-Delta's endangered species and habitats require more freshwater flow to San Francisco Bay. It also contradicts the State's own policy – expressed in a package of [water reform legislation signed in Nov. 2009](#) – that water users should cut their dependence on the Bay-Delta and secure alternative water supply sources.

"The State's document represents a missed opportunity, said [Barry Nelson](#), senior water policy analyst at Natural Resources Defense Council. "It doesn't represent an agreement among the state agencies let alone among federal agencies, Congress or the California Legislature. It

remains to be seen if this document will be relevant in 2011."

The draft plan is intended to serve as the basis for a 50-year permit under the federal Endangered Species Act and state Natural Communities Conservation Planning Act for the operation of Delta export pumping projects. Unfortunately, it:

1. Fails to include either specific biological goals for the recovery of salmon and other endangered species against which success will be measured, or enforceable assurances that these goals will be achieved;
2. Proposes to construct a \$12 billion-plus canal or tunnel to move water around the Delta without considering measures to aggressively conserve water or secure alternative sources of supply;
3. Ignores the scientific case for flow improvement and export pumping reductions in analyzing potential habitat restoration actions to support species recovery; and
4. One of the more controversial elements of the proposal would allow permits under state and federal environmental laws to be issued directly to agricultural and urban water districts that contract to receive water from the federal Central Valley Project and State Water Project, rather than only to the public agencies that operate those projects. These districts have made it clear that they will only implement a plan that increases the amount of water that is exported from the Delta, and have even threatened to withdraw unless they get these plans met.

"That's like putting the fox in charge of the hen house," said Ann Hayden of EDF. "The last thing the hens should be doing is negotiating with the fox over the conditions for opening the door of the hen house."

Despite being criticized by several independent review panels for these shortcomings, the State has thus far failed to fix the flaws in the plan.

"Setting an unsustainable course for California's water future at the 11th hour of the Schwarzenegger administration just doesn't make sense," said [Kim Delfino](#), California State Director at Defenders of Wildlife. "We'll need to work with the incoming Brown Administration to put the 'conservation' back in the Bay-Delta Conservation Plan and make real progress on a comprehensive solution to restore the largest estuary on the West Coast."

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